

Civil Action Group dba APS International, Ltd.



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www.CivilActionGroup.com

TRANSMISSION DATE: November 08, 2007

TO: Ms. Jaclyn Verducci

FROM: Josh Cobb
JCobb@CivilActionGroup.com

Subject: Service in Taiwan

The following material is 7 pages including the cover sheet. If you do not receive any of these pages, please call the above named sender at (952) 831-7776.

COMMENTS:

Thank you for contacting APS International and the Civil Action Group for your international service of process needs. The information you have requested follows.

Other available services:

- **Business, Contract & Patent translations**
- **Medical or Private records retrieval**
- **Deposition Scheduling worldwide**
- **Transcriptions (including foreign language tapes)**
- **Investigations and Surveillance**
- **and many more...**

Online Ordering of all services is available at our website.

The information contained in this document is privileged and confidential, intended only for the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and destroy the original message.

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November 08, 2007

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Attn: Ms. Jaclyn Verducci
COTCHETT, PITRE, ET AL
840 Malcolm Rd., Ste. 180
Burlingame, CA 94010

RE: Service of process in Taiwan.

Dear Ms. Verducci:

Thank you for contacting APS. We've served tens of thousands of documents abroad and are more than willing to assist you with serving process in Taiwan. APS has been handling international service of process requests since 1981. Our experience tells us that foreign governments, laws and treaties are changing all the time. Since we handle such a large volume of requests, we are usually one of the first entities to know about these changes.

Please read the following bolded section carefully. It provides information on current events which may affect service.

The designations "ROC," "Republic of China," or any references to the "State" or "Nation" of Taiwan should not be included in your documents or in the letter rogatory. If such language is contained in your documents, it will need to be removed, since such references are a diplomatic faux pas and will result in the U.S. State Department's refusal to handle the documents.

Taiwan is not party to any international treaty with respect to service of process. The diplomatic method of service is pursuant to Letters Rogatory (28 U.S.C. 1781 (a)(2); F.R.C.P. 4(f)(2)(B)). A letter rogatory ("LR") is a formal request from a U.S. court to a foreign court asking for judicial assistance. There is a specific format and process that must be followed. An alternative method for service of process is outlined below.

The entire Letters Rogatory process normally takes 6 - 12 months or longer for service in Taiwan. If the action is pending in state court, APS recommends obtaining an extension from your trial judge, so that a minimum of 365 days are available to the foreign government for completing service. Expedited translations and/or in-house processing is available for additional fees.

In order that we may begin processing your request, please send the following:

COVER LETTER - Please include all of the following:

- the requested service(s) of APS (e.g., LR or Alternative Service, translations, investigation);
- the name and street address of the defendant(s) to be served – note: If you do not have a valid address, APS has investigators around the world and can assist you;
- any court imposed deadlines relating to service of process;

TWO COURT-CERTIFIED AND TWO PHOTOCOPIES OF YOUR DOCUMENTS FOR SERVICE, PER SERVE- Summons, Complaint, Exhibits and any other court-required attachments.

PAYMENT - The following fees represent our standard charges. Since APS operates on a prepaid basis, please be aware that no processing can begin before payment is received.

Letters Rogatory Service	\$525.00
(each add'l service request in the same country)	\$275.00
Additional Fee imposed by the US State Department (per service request).....	\$735.00

Full translation information:

Translation of the Letter Rogatory @ \$65.00/page.....	\$195.00
Translation of the documents:	
(8 1/2 x 11 double-spaced pages).....	\$65.00/page
Note: Pages with different spacing or length may be at a higher rate.	
Photocopies of translations:	
Formula: \$0.40/page x (number of pages in English + 3) x 3 copies (per defendant)	

If available in an editable format (MS Word®, WordPerfect®, Works®, etc.), please email a copy of the documents to Trans@CivilActionGroup.com or send on CD/disk. If sending by email, please be sure to include the APS File Number referenced on the last page of this document in the subject line. The document in an editable, electronic format assists the translator with formatting the translation similar to the original document.

Informal Service

If you don't have time to attempt "Formal" service via Letters Rogatory (or for any other reason), service of process may also be pursued in Taiwan via a private process server. APS has many such process servers throughout Taiwan. It is important to note that this method may not comply with the notice requirements of Taiwan, which could preclude you from enforcing a U.S. judgment within Taiwan. It could also result in a challenge by the defendant and a Motion to

Dismiss your action. This method is only mentioned as a secondary means of providing service on an expedited basis.

Also, informal service is made with English documents not translated into the defendants language. This may result in Due Process Notice requirements not being met in the US Courts. To avoid this problem, please complete the enclosed "Notice" which we will translate and serve with your documents. (See Shoei Keiko v. Superior Court, 33 Cal. App. 3d 808, 109 Cal. Rptr. 402 (1973) and Julen v. Larson, 25 Cal. App. 3d 325, 101 Cal. Rptr. 796, 327 (1972))

In order for us to process your "**Informal**" request, we would ask for the following:

- (1) a cover letter as described above;
- (2) two copies of the documents for service, with Notice [sample attached];
- (3) a court order appointing APS as your process server [samples attached]; and
- (4) a check in the amount of \$1,560.00 and \$ 65.00 per page to translate the Notice.

This is a base fee for service in major metropolitan areas. If your defendant is located outside the metropolitan area, additional fees may be necessary for travel expenses. Informal service normally takes six to nine weeks, however, this can be expedited for additional fees. **If you chose "informal" service and the case is pending in state court, send us a copy of your court's service of process rule(s) under which you require APS to complete service.**

APS never recommends informal service (private server), however, if you have to use that method for any reason, we strongly recommend that it be in conjunction with formal service pursuant to Letters Rogatory.

Pursuing service on a defendant in a foreign country is a serious undertaking. Let APS help you cut through the red-tape and confusion. We can do all the work for you and let you focus on the other aspects of the litigation. With U.S. courts pushing for quicker turn-around times and setting increasingly shorter deadlines, every day makes a difference. We know what the foreign governments will and will not allow. If necessary, APS can provide affidavits to assist you with a motion to counter any court-imposed time constraints that cannot be reasonably met.

If you have any further questions regarding this matter, please do not hesitate to call.

Sincerely,

Josh Cobb
JCobb@CivilActionGroup.com
International Division

PLEASE RETURN THIS PAGE TO APS WITH YOUR REQUEST

Date of Fee Quote: November 08, 2007

APSFile: 251003-4

Attn: Ms. Jaclyn Verducci
COTCHETT, PITRE, ET AL
840 Malcolm Rd., Ste. 180
Burlingame, CA 94010

Your File #: _____

Case Name: _____

Country: Taiwan

Important Considerations:

1. Please make your instruction letter to us as detailed as possible.
2. Be sure to include any time constraints or statutory requirements specific to your court.
3. Make sure to enclose the appropriate number of copies of all documents for service.
4. Remember, APS is a prepaid service. We will not begin the processing of your request until the required fees are paid in advance.

For specific instructions regarding our requirements, please refer to the preceding pages...

or you may call me toll free at 1-800-328-7171 - ext: 338

Josh Cobb
JCobb@CivilActionGroup.com
APS International Division
7800 Glenroy Road
Minneapolis, MN 55439-3122

NOTICE OF CIVIL LAWSUIT

(recommended if full translations will not be included)

(NAME OF COURT)

(CASE CAPTION)

(CASE NUMBER)

SAMPLE

1. **IDENTITY OF THE PARTIES:**

Plaintiff(s): *{list plaintiffs here}*

Defendant(s): *{list defendants here}*

2. **DESCRIPTION OF THE DOCUMENTS SERVED:**

Notice of Civil Lawsuit, Summons in a Civil Action, Complaint

3. **NATURE AND PURPOSE OF THE PROCEEDINGS:**

This is a civil lawsuit. The Plaintiff's claims against the defendant are for judgment in the amount of US\$409,899.00 together with interest from December 8, 1991, including the costs and disbursements of this action and for such other and further relief as this court may deem just and proper as a result of the defendant's negligence.

4. **RESPONSE TO SUMMONS:**

A written Answer to the Summons and Complaint is required to be filed with the Clerk of the Court, *(Name of Court, and if applicable, Name of Plaintiff's attorney/address)*, within (XX) days after service of the Summons.

5. **FAILURE TO SUBMIT AN ANSWER:**

The failure to submit a timely response with the Court may result in the entry of a default judgment and a request for execution to satisfy the judgment.

Prepared by:

Name of Attorney

Firm Name

Address

Phone Number

SAMPLE ORDER

COURT CAPTION

A, B, C)	CASE NUMBER:
)	
Plaintiffs,)	
)	
vs.)	
)	ORDER TO APPOINT
X, Y, Z)	SPECIAL PROCESS SERVICE
)	
Defendants.)	
_____)	

IT IS HEREBY ORDERED,

that APS International, Ltd., including its designated agents, is appointed and authorized to effect service of process on the defendant, (insert name of defendant(s)), in Country. Service shall be effected according to any internationally agreed means, the laws of the foreign country, or as directed by the foreign authority or the originating court if not otherwise prohibited by international agreement or the laws of the foreign country, and in a manner reasonably calculated to give notice.

Dated: _____
JUDGE